

What is a Domestic Violence restraining order?

It is a court order that helps protect people who have been abused or threatened with abuse.

What does the restraining order do?

The court can make these (and other orders) specifying that you must:

- Not contact or harm the protected person
- Stay away from all protected persons
- Not have any guns while the order is in effect
- Move out of the house or stay out of the home
- Follow child custody and visitation orders
- Pay child support
- Pay spousal support

How long does the order last?

If the court makes a temporary restraining order, it will last until your next hearing date. At that time, the court will decide to continue or cancel the order. The restraining order can last for up to 5 years. Custody, visitation, child support, and spousal support orders can last longer than 5 years.

What if I don't obey the court order?

The police can arrest you. You can go to jail and pay a fine.

How do I tell my side of the story?

File Form DV-120, *Response to Request for Orders to Stop Domestic Violence*, before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "Service." The person who mails it must fill out and sign a *Proof of Service by Mail* (Form DV-250). File the *Proof of Service* with the court clerk. Keep a copy.

Should I go to the hearing?

If you do not go to court, the judge can make the orders without hearing from you. If you object to the orders being made, go to court on the hearing date listed on page 1 of Form DV-110, *Notice of Court Hearing*.

4 Court Hearing Date (*Fecha de la Audie*

Clerk will fill out section below.

**Hearing
Date**

Date: _____

Dept.: _____

To the person in (2): At the hearing, the judge can also make other orders about your children. If you want the orders against you, file and serve.

What if I have a gun?

If a protective order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while it is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to a licensed gun dealer or turn it in to a law enforcement agency. Read Form DV-810-INFO.

What if I also have criminal charges against me?

See a lawyer. Anything you say or write can be used against you in your criminal case.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. You should also bring copies of the witnesses' written statements of what they saw or heard, signed under penalty of perjury, and provide the other party with a copy. Your witness can use form MC-030, *Declaration*, write a statement. The judge may require these to be examined.

What if the person seeking protection contacts me?

No matter what, you have to follow the court order. It affects only what *you* can do.

What if I am a victim of domestic violence?

Call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

Ask who can help you file a restraining order.

What if I don't speak English?

When you file your papers, ask the court clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, a witness, or a protected person to interpret for you.

How will this affect my immigration status?

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

Can I agree with the person seeking protection to cancel the order?

No. Go to the hearing and tell the judge what orders you want.

Will I see the person seeking protection at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge or that person's attorney says you can.

What if I have children with the protected person?

The judge may order you or the other party not to leave the state with the children. Even if there is a restraining order, you may still get visitation with the children, if the court orders it.

What if I am deaf or hard of hearing?

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

What about a lawyer?

Having a lawyer is always a good idea especially if you have children, but it is not required and you are not entitled to a free court-appointed attorney. Ask the clerk how to find free or low-cost legal services and self-help centers in your county.

For help in your area, contact:

[Local information may be inserted]